

FILED MAY 11 09:01AM (PACIFIC TIME)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

In re Civ. No. 09-6074-HO  
JON M. HARDER, ORDER  
Debtor-in-Possession,

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AIKEN, Chief Judge:

Parties known as the Secured Lenders seek recusal of the Honorable Michael R. Hogan as the presiding judge in this matter.

The Secured Lenders previously sought recusal of Judge Hogan in a related case, Securities & Exchange Comm'n v. Sunwest Mgmt., Inc., 09-6056-HO. For the reasons explained in my Order dated April 17, 2009 filed in 09-6056, Judge Hogan's source of knowledge gained from his participation as a mediator in the adversary proceedings is not extrajudicial, and the Secured Lenders present no persuasive evidence of bias to warrant recusal under 28 U.S.C. §§ 144 and 455.

Accordingly, the Secured Lenders' Motion for Order of Recusal (doc. 467) is DENIED.

IT IS SO ORDERED.

Dated this 7 day of May, 2009.

  
Ann Aiken  
Ann Aiken  
United States District Judge